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DEPARTMENT OF THE ARMY
U.S. ARMY CRIMINAL INVESTIGATION COMMAND
Afghanistan MP Det (CID)

02 Dec 2005

MEMORANDUM FOR: SEE DISTRIBUTION

SUBJECT: CID REPORT OF INVESTIGATION - FINAL SUPPLEMENTAL/SSI -
0156-2005-CID369-25470 - 5M3A / 5Y2E / 5Y2D2 / 5C2B

DATES/TIMES/LOCATIONS OF OCCURRENCES:

1. 18 JUL 2005, 0607 - 19 JUL 2005, 1530; DETAINEE FACILITY, FOWARD
OPERATING BASE RIPLEY, AFGHANISTAN, APO, AE 09355-9355

2. 29 SEP 2005, 1854 - 29 SEP 2005, 1854; BAGRAM CID OFFICE, BAGRAM AIR
FIELD, AFGHANISTAN, APO , AE 09354

3. 22 JUL 2005, 0900 - 26 JUL 2005, 2200; LIVING AREA OF SGT MAJOR,
FORWARD OPERATING BASE, RIPLEY, AFGHANISTAN, APO AE 09355

DATE/TIME REPORTED: 20 SEP 2005, 1700

INVESTIGATED BY:

(b)(6) (b)(7)(C) (b)(3), (b) (7)(E)

SUBJECT:

1. MYRICKS, KEVIN DWAYNE; SGT; (b)(6) (b)(7)(C) (b)(3)

(b)(6) (b)(7)(C) (b)(3) MALE; BLACK; C CO, 926TH ENGINEER BATTALION, KANDAHAR
AIRFIELD, AFGHANISTAN, APO AE 09355,; CT ; [MAKING A FALSE STATEMENT],
[CRUELTY AND MALTREATMENT OF A PERSON UNDER U.S. CUSTODY],
[ASSAULT]

2. HAYES, JAMES RICHARD; SPC; (b)(6) (b)(7)(C) (b)(3)

(b)(6) (b)(7)(C) (b)(3) MALE; WHITE; C CO, 926TH ENGINEER BATTALION, KANDAHAR
AIRFIELD, AFGHANISTAN APO AE 09355 ,; CT ; [CRUELTY AND MALTREATMENT
OF A PERSON UNDER U.S. CUSTODY], [ASSAULT]

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3. (b)(6) (b)(7)(C) (b)(3)
(b)(6) (b)(7)(C) (b)(3) MALE; BLACK; (b)(6) (b)(7)(C) (b)(3)
(b)(6) (b)(7)(C) (b)(3) [DERELICTION OF
DUTY]

VICTIM:

1. (b)(6) (b)(7)(C) ; CIV; AFGHANISTAN; (b)(6) (b)(7)(C)
(b)(6) (b)(7)(C) MALE; OTHER; (b)(6) (b)(7)(C) XZ ; AKA (b)(6) (b)(7)(C) AKA:
(b)(6) (b)(7)(C) AKA (b)(6) (b)(7)(C) ; [CRUELTY AND MALTREATMENT
OF A PERSON UNDER U.S. CUSTODY], [ASSAULT]

2. (b)(6) (b)(7)(C) ; CIV; AFGHANISTAN; (b)(6) (b)(7)(C)
MALE; OTHER (b)(6) (b)(7)(C) XZ ; AKA: (b)(6) (b)(7)(C) AKA: (b)(6) (b)(7)(C) ;
[CRUELTY AND MALTREATMENT OF A PERSON UNDER U.S. CUSTODY],
[ASSAULT]

3. U.S. GOVERNMENT; ; [MAKING A FALSE STATEMENT], [DERELICTION OF
DUTY]

INVESTIGATIVE SUMMARY:

"THIS IS A DETAINEE ABUSE INVESTIGATION"

Final Supplemental Report:

Further investigation established probable cause to believe (b)(6) (b)(7)(C) (b)(3) committed the offense
of Dereliction of Duty when he viewed the video of SGT MYRICKS and SPC HAYES
assaulting a detainee and then failed to report the offense to his chain of command.

Final Report:

This investigation was initiated when (b)(6) (b)(7)(C) (b)(3)
(b)(6) (b)(7)(C) (b)(3) reported one of his
soldiers viewed a video of SGT MYRICKS and SPC HAYES assaulting an unknown detainee.

Investigation established probable cause to believe SGT MYRICKS and SPC HAYES
committed the offenses of Cruelty and Maltreatment of a Person in U.S. Custody and Assault,
when they struck Mr (b)(6) (b)(7)(C) and Mr (b)(6) (b)(7)(C) multiple times in the stomach, chest, and sides
of their bodies, with closed fists.

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Further investigation established SGT MYRICKS committed the offense of False Official Statement, when he provided a sworn statement, which he knew to be false when he stated he destroyed a compact disc, which contained the video of the assault, prior to him going on leave, when in fact he took the video back to the United States with him.

STATUTES:

Article 92, UCMJ: Dereliction of Duty

Article 93, UCMJ: Cruelty and Maltreatment of a Person in U.S. Custody

Article 107, UCMJ: False Official Statement

Article 128, UCMJ: Assault

ADDED ATTACHED:

41. AIR of (b)(6) (b)(7)(C) (b)(3) 26 Nov 05, detailing the request from the Office of the Staff Judge Advocate to re-interview (b)(6) (b)(7)(C) (b)(3) subject interview of (b)(6) (b)(7)(C) (b)(3) coordination with the Office of the Staff Judge Advocate, receipt of name check pertaining to (b)(6) (b)(7)(C) (b)(3) receipt of the United States Army Criminal Investigation Laboratory (USACIL) results, witness interview of (b)(6) (b)(7)(C) (b)(3) seizure of evidence, and the forwarding of an additional laboratory request to USACIL.

42. Waiver Certificate and Sworn Statement of (b)(6) (b)(7)(C) (b)(3) 3 Nov 05, in which he denied participating in the making of the video; however, he admitted he was derelict in his duties by failing to report the video, which showed SGT MYRICKS and SPC HAYES assaulting a detainee.

43. USACIL report 2005-CID131-1906, which reflected no items of evidentiary value were obtained from the camera or the MP3 player; however, the report reflected images of two soldiers assaulting a detainee were recovered.

44. DA Form 3655, Crime Lab Examination Request, 26 Nov 05, requesting USACIL examine the digital frames of the video to ensure the frames were not digitally altered.

45. DA Form 4137, Evidence/Property Custody Document, voucher 0212-05, 23 Nov 05. (USACRC and file copy only).

ADDED NOT ATTACHED:

46. Compact disc containing images of the detainee assault (Item 1, voucher 0212-05).

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The originals of Exhibit 41 through 43 are retained in the files of this office, pending adjudication. The original of Exhibit 44 is retained in the files of the United States Army Criminal Investigation Laboratory, 4930 N 31st Street, Forest Park, GA 30297. The original of Exhibit 45 is retained in the files of the evidence depository, this office.

STATUS: This is a Final Supplemental Report. Commander's Report of Disciplinary Action Taken (DA Form 4833) is required.

Remaining Lead: Laboratory examination of video to determine if it was altered.

REPORT PREPARED BY:

REPORT APPROVED BY:

(b)(6) (b)(7)(C) (b)(3), (b) (7)(E)

(b)(6) (b)(7)(C) (b)(3)

DISTRIBUTION:

1- Director, U.S. Army Crime Records Center (original), ATTN: CICR-CR, 6010 6th St, Fort Belvoir, VA 22060

1- Commander, 3d Military Police Group, USACIDC, (ATTN: CIRC-OP), 4699 N 1st Street, Forest Park, GA 30297

1- THRU: Commander, 18th Engineer Brigade, Bagram Airfield, Afghanistan, APO AE 09354
TO: Commander, 864th Engineer Battalion, Bagram Airfield, Afghanistan, APO AE 09354

1- (b)(6) (b)(7)(C) (b)(3)

1- Office of the Provost Marshal (MPR# 00177-2005-MPC469), Kandahar Airfield, Afghanistan, APO AE 09355 (email only/less exhibits)

1- Deputy Commanding General-Support, Combined Joint Task Force 76, Bagram Airfield, APO AE 09354 (email only/less exhibits)

1- Chief of Staff, Coalition Forces Command-Afghanistan, Kabul, Afghanistan, APO AE 09354

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(email only/less exhibits)

1- Chief of Staff, Combined Joint Task Force 76, Bagram Airfield, Afghanistan, APO AE 09354
(email only/less exhibits)

1- (b)(6) (b)(7)(C) (b)(3)
(b)(6) (b)(7)(C) (b)(3)

1- File

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REPORT PREPARED BY

REPORT APPROVED BY

(b)(6) (b)(7)(C) (b)(3), (b) (7)(E)

(b)(6) (b)(7)(C) (b)(3)

DISTRIBUTION:

Dir, USACRC, Ft Belvoir, VA

Commander, 3D Military Police Group (CID), USACIDC, Fort Gillem, GA
30297-5119

(b)(6) (b)(7)(C) (b)(3)

CHIEF OF STAFF, CJTF-76, BAGRAM AIR FIELD

(b)(6) (b)(7)(C) (b)(3)

PROVOST MARSHAL OFFICE, CJTF 76

PMO, Kandahar

(b)(6) (b)(7)(C) (b)(3)

CDR, 18th ENG BDE

CDR, 864th ENG BN

FILE